

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 36-50 remain under consideration. Claims 14-35 have been withdrawn from consideration. The Examiner is respectfully requested to reconsider his rejections in view of the remarks as set forth below.

Entry of Amendment

Since the present response includes remarks only, the entry of the response and full consideration of the remarks, which are contained therein, are considered proper.

Rejections under 35 U.S.C. 103

Claims 36-43, 45, 49 and 50 stand rejected under 35 U.S.C. as being obvious over Wild (WO 89/12006) in view of Mead et al. (U.S. Patent 3,186,625), Ikeda et al. (U.S. Patent 4,454,979, Rutter et al. (U.S. Patent 4,981,374), Wild (EP 380107) and further in view Ostendorf (EP 524487), Spiess (U.S. Patent 3,604,491 and Toyoshima (JP 3-289451). This rejection is respectively traversed.

First, Applicants wish to clarify how the references are being combined. That is, it is not clear if this is a simple combination of 8 references or if there are alternative choices between groups of references. Thus, it is understood that Wild

'006 is a primary reference. The Examiner has refereed to Mead et al., Ikeda et al., and Rutter et al. all to show that a duct can be sealed. It would appear that is a three-way alternative choice for the secondary reference. However, on page 4, line 2 of the action, the Examiner specifically states these three references as well as Wild '107 and Toyoshima are all used in combination. Thus, this would appear to indicate that all eight references are being individually combined and that there are no alternative choices between groups of references. The Examiner is again asked to make it clear whether all eight references are necessary for the combination or whether there are choices between groupings of references.

The Examiner stated that Wild '006 shows a bag with a duct means, which may be resealed. The Examiner believes that the reference shows that the bag is originally empty and later sealed. The Examiner relies on Mead et al. and Ikeda et al. and Rutter to show that a duct can be sealed. Wild '107 is relied on as further evidence of bags with duct means and sealing capability. The Examiner relies on Ostendorf and Speiss to show free standing pouches with a bottom wall. Toyoshima has been cited to show a sealed duct, which is removed and resealable.

First, Applicants submit that it would not be obvious to combine such a large number of references. The Examiner appears to be piecing the features of the claim together from a number

of different sources with no indication as to why it would be obvious to make such a combination. There is no motivation for providing such a large number of references. The Examiner is requested to specifically state the motivation for taking features from all of the different references and placing them into a single device.

Furthermore, Applicants submit that the references, even if combined, do not teach all the features of the present invention. Claim 36 describes the duct means as being centrally arranged on the side opposite the bottom wall. It is clear that Wild '006 is not centrally arranged and in fact is required to be along one side. Even the English language abstract states that the edge of this pouch is a linear propagation of an edge of a bag wall. This central arrangement makes for an efficient filling process since it allows the container to maintain its balance during filling. This feature is not shown in Wild '006. The Examiner also has not alleged that it is obvious in any other references. Accordingly, Applicants submit that claim 36 would not be obvious over this combination of references.

Furthermore, Applicants submit that the Wild '006 does not show a separate duct means. Thus, spout 13 is formed from the side walls of the container. This differs from claim 36 which describes the duct means as being formed "between the two side walls". This would indicate that the duct means must be

separate from the two side walls. It is clear that this is not the case of the Wild '006 reference. Accordingly, Applicants submit that the Examiner is incorrect in stating that Wild '006 differs from claim 36 only in the recitation that the duct is sealed. In view of this, Applicants submit that claim 36 is allowable.

Claims 37-50 depend from claim 36 and as such are also considered to be allowable. In addition, each of these claims recites other features which make them additionally allowable.

Claim 44 stands rejected under 35 U.S.C. 103 as being obvious over the same eight-way combination and further in view of Saito et al. (EP 539,800). This rejection is respectfully traversed.

Applicants submit that this claim is allowable based on its dependency from claim 36. Further, Applicants submit that it would be even less obvious to combine this additional teaching with the existing eight references. Accordingly, this rejection is believed to be overcome.

Claims 46-48 stand rejected under 35 U.S.C. 103 as being obvious over the eight references applied above and further in view of Buchanan et al. (WO 98/00286) Jensen et al. (USP 4,023,607) and Aesbach et al. (WO 95/3129). This rejection is respectfully traversed.

These claims are also considered to be allowable based on their dependency from allowable claim 36. In addition, Applicants submit that it would be even less obvious to combine these three additional references to the eight existing references of the original rejection. Accordingly, Applicants submit that these claims are additionally allowable.

Conclusion

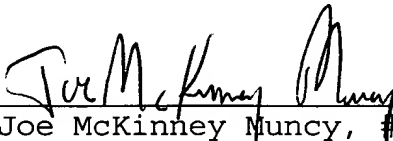
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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0104-0290P

Attachment(s)